

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: CMS ENERGY
SECURITIES LITIGATION

CIVIL ACTION NO. 02 CV 72004 DT

DISTRICT JUDGE GEORGE CARAM STEEH

MAGISTRATE JUDGE VIRGINIA MORGAN

**ORDER GRANTING IN PART CMS ENERGY'S
MOTION TO QUASH OR MODIFY THIRD PARTY
SUBPOENAS AND FOR PROTECTIVE ORDER**

This matter is before the court on CMS Energy's Motion to Quash or Modify Third Party Subpoenas and for Protective Order. A hearing was held before the magistrate judge on January 11, 2006. For the reasons stated on the record,

IT IS ORDERED that the Motion IS GRANTED IN PART. The court treats the motion as one for relief under Federal Rules of Civil Procedure Rule 26(c), not Rule 45. Plaintiff has issued subpoenas to five present and former customers of CMS (Central Virginia Electric Cooperative; City of Columbus, Ohio; County Commissioners' Association of Ohio; Green Mountain Energy Company; Illinois State University) and to three ratings agencies. These subpoenas are enforced as modified. Subpoenas are narrowed as follows:

1. Time period is limited to January 1, 2000 to March 30, 2003.
2. The requested information meets the standard for Rule 26 and is deemed likely to lead to admissible evidence.

3. All counsel are to work together and with the third parties to further narrow and specify the particular documents to focus on the issues regarding procurement of business with custom round-trip taking, and representatives to the rating agencies.

4. To the extent that issues remain in dispute by January 25, 2006, counsel may call the chambers of the magistrate judge to arrange a conference call with a limited number of lawyers.

No costs to either side.

SO ORDERED.

s/Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

Dated: January 13, 2006

PROOF OF SERVICE

The undersigned certifies that the foregoing order was served upon counsel of record via the Court's ECF System and/or U. S. Mail on January 13, 2006.

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Virginia M. Morgan